

**TRANSPORTATION DEPARTMENT[761]**

**Adopted and Filed**

**Rule making related to commercial driver’s license skills test**

The Transportation Department hereby amends Chapter 607, “Commercial Driver Licensing,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 307.12 and section 321.187A as enacted by 2021 Iowa Acts, House File 828, section 5.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 321.187A and 321M.6A as enacted by 2021 Iowa Acts, House File 828, sections 5 and 6.

*Purpose and Summary*

This rule making conforms Chapter 607 with 2021 Iowa Acts, House File 828, sections 5 and 6, which authorize the Department and county treasurer locations offering commercial driver’s license (CDL) skills tests to charge fees for that service.

All state-run driver’s license service centers administer the CDL skills test, and ten county treasurer locations also offer the CDL skills test. The CDL skills test is comprised of three parts: the pre-trip vehicle inspection test, the basic vehicle control skills test, and the on-road driving skills test. The legislation authorizes the Department to set a \$25 fee to administer the pre-trip segment of the skills test and a county treasurer location to charge \$25 for each segment of the three-part skills test. The legislation also provides exceptions to the fee for CDL applicants who are employed by or volunteer for a government agency. The fee for the pre-trip segment of the test is due when the CDL skills test is scheduled and is not refundable if the applicant does not show up for the test or fails the test. Fees paid to the Department are directed to be deposited in the Statutory Allocations Fund, and fees paid to a county treasurer location will be retained in the county’s general fund.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on December 1, 2021, as **ARC 6065C**. No public comments were received.

Two changes from the Notice have been made. The references to 2021 Iowa Acts, House File 828, have been removed from subrule 607.28(8) and the implementation sentence for rule 761—607.28(321) because that legislation has been codified.

*Adoption of Rule Making*

This rule making was adopted by the Department on January 12, 2022.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa beyond any impact anticipated by the legislation.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

## Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

### *Effective Date*

This rule making will become effective on March 16, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 607.2(1) as follows:

**607.2(1) Information and location.** Applications, forms and information about the commercial driver's license (CDL) are available at any driver's license service center. Assistance is also available by mail from the ~~Driver and Identification Services Bureau~~ Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at (515)244-8725; by facsimile at (515)239-1837; or on the department's website at [www.iowadot.gov](http://www.iowadot.gov).

ITEM 2. Adopt the following **new** subrule 607.28(8):

**607.28(8) Fees.** Fees authorized pursuant to Iowa Code sections 321.187A and 321M.6A will be collected by the department or a county treasurer location offering commercial driver's license skills tests.

*a.* Except as provided in paragraph 607.28(8) "c," the fee for an applicant to schedule the pre-trip vehicle inspection segment of the skills test with the department is \$25. No fees are due to the department for scheduling the basic vehicle control skills or on-road skills segment of the test.

*b.* Except as provided in paragraph 607.28(8) "c," the fee to schedule the pre-trip vehicle inspection segment of the skills test with a county treasurer is \$25. The fee for a county treasurer to administer the basic vehicle control skills segment is \$25, and the fee to administer the on-road skills segment of the test is \$25. However, if the applicant fails one segment of the driving skills test, no fee shall be due for a subsequent segment of the test.

*c.* If the applicant is an employee or volunteer of a government agency as defined in Iowa Code section 553.3, the following shall apply:

(1) The department shall not charge the pre-trip inspection scheduling fee under paragraph 607.28(8) "a."

(2) A county treasurer may charge only the pre-trip inspection fee under paragraph 607.28(8) "b."

(3) An applicant must provide the department or county treasurer with reasonable proof that the applicant is an employee or volunteer of a qualifying government agency and that a commercial driver's license is necessary for the applicant's employment or volunteer duties. Reasonable proof shall be provided on Form 430311. Alternatively, if the applicant is seeking a skills test from a county treasurer, reasonable proof may include payment of the pre-trip inspection fee by a government agency on behalf of the applicant.

*d.* If an applicant fails to appear for the pre-trip inspection segment of the skills test, the appointment shall be canceled and no other applicable fees are due.

*e.* Except as provided in paragraph 607.28(8) "g," new fees will apply if an applicant schedules a new skills test appointment.

*f.* The department or a county treasurer may collect any fees due and owed for the skills test at the same time any fees are collected as part of the commercial driver's license issuance transaction.

*g.* Any fees collected under this subrule are nonrefundable. However, nothing in this paragraph shall be construed as preventing the department or a county treasurer from transferring a fee charged for a pre-trip inspection to a new pre-trip inspection if rescheduling the appointment is determined necessary or appropriate as determined by the department or county treasurer upon a showing of good cause.

*h.* A skills test fee charged under this subrule that remains unpaid may be collected at the person's next driver's license renewal or replacement.

ITEM 3. Amend rule **761—607.28(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.186, 321.187A, ~~and~~ 321.188 and 321M.6A.

ITEM 4. Amend paragraph **607.30(2)“a”** as follows:

*a.* The department may certify as a third-party tester a community college, Iowa-based motor carrier or Iowa nonprofit corporation to administer skills tests. A community college, Iowa-based motor carrier or Iowa nonprofit corporation that seeks certification as a third-party tester shall contact the ~~driver and identification services bureau~~ motor vehicle division and schedule a review of the proposed testing program, which shall include the proposed testing courses and facilities, information sufficient to identify all proposed third-party skills test examiners, and any other information necessary to demonstrate compliance with 49 CFR Section 383.75.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/9/22.